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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

Bracketed text indicates matter being deleted.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 15—Cafeteria Plan

PROPOSED AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The Office of Administration is amending the rule on the cafeteria plan by amending section (1), Appendix A, section 2.01, section 3.01, section 3.02, section 3.04, section 3.06, section 3.07, section 4.01, section 6.01, section 8.01 and by adding a new section 3.08; and changing Appendix B, section 4.01; Appendix C, section 3.02, section 3.03, section 4.05, section 6.03, section 7.02 and by adding section 6.04 and section 6.05.

PURPOSE: This rule is being amended for the following reasons: (1) to comply with new federal rules regarding changes in family-status and employment-status for health and life insurance benefits, (2) to provide for changes in the cost of health plan coverage (3) to provide for changes in the election of Dependent Care, (4) to amend the eligibility of a returning employee after separation of service and (5) to delete all references to group-term life insurance benefits and their eligibility under the provisions of the Cafeteria Plan.

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo shall contain the following items:

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any plan or program *[of group term life insurance covering the employee's life, which plan or program is available to the employee by reason of his/her status as an employee;*

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any plan or program] which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(F) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any plan or program which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(G) A provision authorizing a participating employee to reduce his/her future compensation for purposes of participation in the cafeteria plan.

AUTHORITY: section 33.103, RSMo *[Supp. 1999] 2000. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 11, 2000, effective Jan. 1, 2001, expires June 29, 2001. Amended: Filed Feb. 15, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Accounting, Jack Dothage, Assistant Director, Truman State Office Building, 5th Floor, Jefferson City, MO 65101, (573) 751-3289. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

APPENDIX A MISSOURI STATE EMPLOYEES' CAFETERIA PLAN

The State of Missouri through the Office of Administration hereby amends and restates the Missouri State Employees' Cafeteria Plan (hereinafter called the MSECP) effective January 1, *[2000] 2001. [The MSECP shall be in the form of a trust established by the State of Missouri for public employees of the state who participate in the MSECP.]* The provisions of the MSECP, as set forth in this document and the attendant documents

for the Missouri State Employees' Dependent Care Assistance Plan (Appendix B, hereinafter called the MSEDCAF) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C, hereinafter called the MSEMBP), shall be applicable to each employee of the State of Missouri who elects to participate in the MSECP beginning with Plan Year */2000/ 2001*.

ARTICLE TWO STATEMENT OF PURPOSE

2.01 This Plan is intended to qualify as a "cafeteria plan" under Section 125 of the Internal Revenue Code of 1986, as amended, and is to be interpreted in a manner consistent with the requirements of Section 125. The purpose of the MSECP is to provide to participants the tax savings opportunities permissible under Section 125 of the *Internal Revenue Code*.

ARTICLE THREE ELIGIBILITY AND PARTICIPATION

3.01 The MSECP does not apply to any individual who terminated employment with the employer prior to the effective date of this amended and restated MSECP (January 1, */2000/ 2001*) unless such individual becomes reemployed by the employer on or after such effective date.

3.02 Any employee who is on the payroll of the employer as of the effective date is eligible to become a participant at the beginning of each Plan Year. Any eligible employee, except any employee subject to the provisions of the MSECP, section 3.03, who chooses not to become a participant at the beginning of each Plan Year will not again become eligible for participation in the MSECP until the beginning of the next Plan Year, *[unless the employee experiences a change in family status] except as provided under the MSECP, section 3.07], whereby the employee may enroll within sixty (60) days of the occurrence of the allowable change in family status]*.

3.04 Subject to the provisions of the MSECP, section 3.05, an eligible employee shall become a participant for any Plan Year by specifying on the appropriate election form or in an alternate prescribed manner, agreement to and authorization for the reduction of the participant's compensation by a permissible amount for credit to the participant's account as maintained by the Plan Administrator. For purposes of the first sentence of this paragraph, the term "permissible amount" (unless and until subsequently changed by appropriate action of the Office of Administration and notice of such change is provided to all participants) means an amount(s) determined by the participant which is (are):

(a) not more than the expected total cost or premium during the Plan Year in the case of the State-Sponsored Medical Insurance benefit described in the MSECP, section 4.01(a);

(b) not more than five thousand dollars (\$5,000) in the case of the Flexible Medical Benefits benefit described in the MSECP, section 4.01(b);

(c) not more than five thousand dollars (\$5,000) in the case of the Dependent Care Assistance benefit described in the MSECP, section 4.01(c);

(d) not more than the expected total cost or premium during the Plan Year *[for coverage not to exceed applicable Internal Revenue Service limits in the case of the State-Sponsored Group Term Life Insurance benefit described in the MSECP, section 4.01(d);*

(e) not more than the expected total cost or premium during the Plan Year] in the case of the State-Sponsored Dental Insurance benefit described in the MSECP, section 4.01(e)] (d);

(f)](e) not more than the expected total cost or premium during the Plan Year in the case of the State-Sponsored Vision Care

Insurance benefit described in the MSECP, section 4.01(e).*/(f); and*

*(g) not more than the total of maximum amounts set forth previously in the case of the benefit described in the MSECP, section 4.01(g).] In the event of any change in the permissible amount, the resulting new permissible amount must be nondiscriminatory (as defined in Section 125 of the *Internal Revenue Code*) in its application to participants. In the case of the insurance benefits described in the MSECP, sections 4.01(a), 4.01(d), and 4.01(e) *[and 4.01(f)]*, the permissible amount elected by the employee must be consistent with or will automatically be changed to reflect the actual rate in effect at the start of the coverage period.*

3.06 *[Beginning with Plan Year 1999, a] Any employee duly enrolled and participating in one or more of the insurance benefits described in the MSECP, sections 4.01(a), 4.01(d), or 4.01(e) */(or 4.01(f)]*, shall be considered to have re-enrolled and to have submitted the required authorization to continue participation in the same benefit(s) for the subsequent Plan Year at an amount equal to the total expected annual cost or premium based on the rate in effect as of January 1 of that subsequent Plan Year. A participant who does not wish to continue an insurance benefit under the Cafeteria Plan for a subsequent Plan Year must so specify on the appropriate election form or in an alternate prescribed manner prior to the start of the subsequent Plan Year.*

3.07 Permitted Election Changes.

(a) Following the commencement of any Plan Year for which an employee elects to participate in the MSECP, the authorization filed with the Plan Administrator for such Plan Year may neither be changed nor revoked except as provided in this section. An employee may revoke an election during a period of coverage and make a new election for the remainder of the relevant coverage period only as provided in paragraphs (b) through */(i)] (h)* of this section.

(b) Special enrollment rights. An employee may revoke an election for a benefit described under Article Four, section 4.01(a), */(4.01(b), 4.01(d), or 4.01(e)], or 4.01(f)]* and make a new election that corresponds with the special enrollment rights provided in *Internal Revenue Code Section 9801(f) (HIPPA)*, whether or not the change in election is permitted under paragraph (c) of this section.

(c) Changes in status *[for benefits described under sections 4.01(a), 4.01(b), 4.01(d), 4.01(e), and 4.01(f)].*

1. An employee may revoke an election *[for a benefit described under Article Four, section 4.01(a), 4.01(d), 4.01(e), or 4.01(f)]* and make a new election for the remaining portion of the period if, under the facts and circumstances—

(i) *[Following the commencement of any Plan Year a]A change in status occurs; and*

(ii) *The election change satisfies the consistency requirement in paragraph (c)(3) of this section */(consistency rule for accident or health coverage), (c)(4) of this section (consistency rule for Flexible Medical Benefits) or (c)(5) of this section (consistency rule for group-term life insurance coverage).**

2. Change in status events. The following events are changes in status for purposes of this paragraph (c)—

(i) Legal marital status. Events that change an employee's legal marital status, including marriage, death of spouse, divorce, legal separation, or annulment;

(ii) Number of dependents. Events that change an employee's number of dependents (as defined in *Internal Revenue Code Section 152*), including birth, adoption, placement for adoption (as defined in regulations under *Internal Revenue Code Section 9801*), or death of a dependent, *or in the case of Dependent Care, a*

change in the number of qualifying individuals as defined in Internal Revenue Code Section 21(b)(1);

(iii) Employment status. *[A termination or commencement of employment by the employee, spouse, or dependent;*

(iv) Work schedule. A reduction or increase in hours of employment by the employee, spouse, or dependent, including a switch between part-time and full-time, a strike or lockout, or commencement or return from an unpaid leave of absence;] Any of the following events that change the employment status of the employee, spouse, or dependent is considered a change in status. A termination, commencement of employment, a strike or lockout, a commencement of or return from an unpaid leave of absence of more than thirty (30) days, change in worksite, or any other employment status change that affects eligibility under this plan or employee benefit plan of the employer of the spouse or dependent;

[(v)](iv) Dependent satisfies or ceases to satisfy the requirements for unmarried dependents. An event that causes an employee's dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age, student status, or any similar circumstances as provided in the accident or health plan under which the employee receives coverage; and

[(vi)](v) Residence [or worksite]. A change in the place of residence [or work] of the employee, spouse, or dependent.

3. Consistency rule *[for accident or health coverage]—*
(i) General rule.

[(A)] An employee's revocation of a Cafeteria Plan election during a period of coverage and new election for the remaining portion of the period (referred to as an "election change") is consistent with a change in status if, and only if—

*[(1)](A) The change in status results in the employee, spouse, or dependent gaining or losing eligibility for *[accident or health]* coverage under either the Cafeteria Plan or *[an accident or health]* a plan of the spouse's or dependent's employer; and*

[(2)](B) The election change corresponds with that gain or loss of coverage.

(ii) If the change in status is the employee's divorce, annulment or legal separation from a spouse, the death of a spouse or dependent, or a dependent ceasing to satisfy the eligibility requirements for coverage, an employee's election under the cafeteria plan to cancel accident or health insurance coverage for any individual other than the spouse involved in the divorce, annulment or legal separation, the deceased spouse or dependent, or the dependent that ceased to satisfy the eligibility requirements for coverage, respectively, fails to correspond with that change in status. Thus, if a dependent dies or ceases to satisfy the eligibility requirements for coverage, the employee's election to cancel accident or health coverage for any other dependent, for the employee, or for the employee's spouse fails to correspond with that change in status.

In addition, if an employee, spouse, or dependent gains eligibility for coverage under a plan provided by the employer of the spouse or dependent as a result of a change in marital status or a change in employment status, the employee may cease or decrease coverage for that individual only if coverage for that individual becomes applicable or is increased under that employer's plan.

[(B)](iii) A change in status results in an employee, spouse, or dependent gaining (or losing) eligibility for coverage under a plan only if the individual becomes eligible (or ineligible) to participate in the plan. An individual is considered to gain or lose eligibility for coverage if the individual becomes eligible (or ineligible) for a particular benefit package option under a plan (e.g., a change in status results in an individual becoming eligible for a managed care option or an indemnity option). If, as a result of a change in status, the individual gains eligibility for elective

coverage under a plan of the spouse's or dependent's employer, the consistency rule of this paragraph (c)(3)(i) is satisfied only if the individual elects the coverage under the spouse's or dependent's employer.

*[(ii)](iv) Exception for COBRA. Notwithstanding paragraph (c)(3)(i) of this section, if the employee, spouse, or dependent becomes eligible for continuation coverage under *[the employer's group health plan as provided in section 4980B]* any of the employer's health plans described in sections 4.01(a), 4.01(d), or 4.01(e) as provided under COBRA or any similar state law, the employee may elect to increase payments under the Cafeteria Plan in order to pay for the continuation coverage.*

*[4. Consistency rule for flexible medical benefits.] (v) Except as provided in this paragraph the provisions of paragraph (c) apply to an election change under a benefit described under Article 4.01(b). A participant may reduce an election for a benefit described under 4.01(b) **due to a change in status** if and only if the employee's legal marital status changes due to death, divorce, annulment, or legal separation, or there is a reduction in the number of dependents of the employee (as defined in section 152 of the Internal Revenue Code) due to death *[, or the commencement of a leave under the Family and Medical Leave Act.**

5. Consistency rule for group-term life insurance coverage. Except as provided in this paragraph (c)(5), the provisions of paragraph (c)(3)(i) of this section apply to group-term life insurance coverage. In the case of marriage, birth, adoption, or placement for adoption, an employee may make an election change to increase (but not to reduce) the amount of the employee's life insurance coverage. In the case of divorce, legal separation, annulment, or death of a spouse or dependent, an employee may make an election change to reduce (but not to increase) the amount of the employee's life insurance coverage.

(d) Judgment, decree, or order. This paragraph (d) applies to a judgment, decree, or order ("order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a qualified medical child support order defined in section 609 of the Employee Retirement Income Security Act of 1974) that requires accident or health coverage for an employee's child. Notwithstanding the provisions of paragraph (c) of this section, an employee may—

1. Make an election change to a benefit described under sections 4.01(a), 4.01(b), **4.01(d), or 4.01(e) [or 4.01(f)]** to provide coverage for the child if the order requires coverage under the employee's plan; or

2. Make an election change to a benefit described under sections 4.01(a), **4.01(b), 4.01(d), or 4.01(e)[, or 4.01(f)]** to cancel coverage for the child if the order requires the former spouse to provide coverage.

(e) Entitlement to Medicare or Medicaid. If an employee, spouse, or dependent becomes entitled to coverage (i.e., enrolled) under Part A or Part B of Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under section 1928 of the Social Security Act (the program for distribution of pediatric vaccines), an employee may make an election change to a benefit described under sections 4.01(a), **4.01(d), or 4.01(e) [or 4.01(f)]** to cancel coverage of that employee, spouse, or dependent under the accident or health plan. **In addition, if an employee, spouse, or dependent who has been entitled to such coverage under Medicare or Medicaid loses eligibility for such coverage, an employee may make an election change to commence or increase coverage under a benefit described under sections 4.01(a), 4.01(d), or 4.01(e).**

[(f) Election Changes for Dependent Care. An employee may revoke an election for a benefit described under Article Four, section 4.01(c) and make a new election for

the remaining portion of the period if, under the facts and circumstances a change in status occurs; and the revocation and new election are consistent with and on account of the change in status. Examples of changes in status are:

1. Legal marital status. Events that change an employee's legal marital status, including marriage, death of spouse, divorce, legal separation, or annulment;

2. Number of dependents. Events that change an employee's number of dependents (as defined in section 152), including birth, adoption, placement for adoption (as defined in regulations under section 9801), or death of a dependent; or

3. Employment status. A termination or commencement of employment by the employee or spouse or the commencement of or a return from an unpaid leave of absence.]

(f) Coverage or cost changes. Changes allowed under this section are not applicable to Flexible Medical Benefits as described in section 4.01(b). Therefore, no changes to an election for Flexible Medical Benefits is allowed due to events described in this section (f).

1. Cost changes. A participant's election for a benefit described under Article 4.01(a), 4.01(d), or 4.01(e) will automatically be changed to reflect a change in the cost of coverage. Alternatively, if the premium amount significantly increases a participant may revoke an election and, in lieu thereof, to receive on a prospective basis, coverage under another health plan with similar coverage.

2. Coverage changes. If the coverage under a plan is significantly curtailed or ceases during a period of coverage, affected employees may revoke their election under the plan and may make a new election on a prospective basis for coverage under another benefit package option providing similar coverage. Coverage under an accident or health plan is significantly curtailed only if there is an overall reduction in coverage provided to participants under the plan so as to constitute reduced coverage to participants generally. For example, the loss of a participant's primary care physician would not be a significant curtailment because it does not affect participants in general.

Addition (or elimination) of benefit package option providing similar coverage. If during a period of coverage the plan adds a new benefit package option or other coverage option (or eliminates an existing benefit package option or other coverage option) affected employees may elect the newly-added option (or elect another option if an option has been eliminated) prospectively and make corresponding election changes with respect to other benefit package options providing similar coverage.

3. Change in coverage of spouse or dependent under other employer's plan. An employee may make a prospective election change to a benefit described under sections 4.01(a), 4.01(d), and 4.01(e) that is on account of and corresponds with an election made under the plan of the spouse's, former spouse's or dependent's employer if the period of coverage under the cafeteria plan or qualified benefits plan of the spouse's, former spouse's, or dependent's employer only allows elections for periods of coverage different than the Plan Year for the MSECP.

[(g) Significant coverage or cost changes.

1. Employer's plan. A participant's election for a benefit described under Article 4.01(a), 4.01(e), or 4.01(f) will automatically be changed to reflect a change in the cost of coverage attributable to an independent third party provider. Alternatively, if the premium amount significantly increases or coverage is significantly curtailed a participant may revoke an election and, in lieu thereof, to receive on

a prospective basis, coverage under another health plan with similar coverage.

2. A participant may revoke an existing election for a benefit described in section 4.01(a), 4.01(e), or 4.01(f) and make a new election due to a significant change in the health coverage of the participant or the participant's spouse attributable to the spouse's employment. A participant may increase an existing election for a benefit described in section 4.01(b) due to a significant change in the health coverage of the participant or the participant's spouse attributable to the spouse's employment. Any change must be consistent with and on account of the change in health coverage attributable to the spouse's employment.]

[(h)](g) Special requirements concerning the Family and Medical Leave Act.

An employee taking FMLA leave may revoke an existing election *[of a benefit described under 4.01(a), 4.01(b), 4.01(e), or 4.01(f)]* for the remaining portion of the coverage period. Upon returning from FMLA leave, an employee may choose to be reinstated in any benefit described under this plan if such coverage was terminated during the FMLA leave (either by revocation or nonpayment of premiums). Such reinstatement will be on the same terms as prior to taking FMLA leave. However, the employee has no greater right to benefits for the remainder of the Plan Year than an employee who has been continuously working during the Plan Year. In addition to the rights granted under FMLA, such an employee has the right to revoke or change elections *[(e.g., because of changes in status or significant cost or coverage changes imposed by a third-party provider)]* under the same terms and conditions as are available to employees participating in the Cafeteria Plan who are not on FMLA leave.

If an employee's coverage under a benefit described in section 4.01(b) or 4.01(c) terminates while the employee is on FMLA leave, the employee is not entitled to receive reimbursements for claims incurred during the period when the coverage is terminated. If that employee subsequently elects to be reinstated in a benefit previously terminated upon return from FMLA leave for the remainder of the Plan Year, the employee may not retroactively elect coverage for claims incurred during the period when the coverage was terminated. Further, the employee is not entitled to greater benefits relative to premiums paid than an employee who has been continuously working during the Plan Year. Therefore, if an employee elects to be reinstated in a benefit described above upon return from FMLA leave, the employee's coverage for the remainder of the Plan Year is equal to the employee's election for the 12-month period of coverage (or such shorter period as provided under section 3.03 or this section 3.07), prorated for the period during the FMLA leave for which no premiums were paid, and reduced by prior reimbursements.

[(An employee on FMLA leave has the right to revoke or change elections (e.g., because of changes in family status) under the same terms and conditions that apply to employees participating in the Cafeteria Plan who are not on FMLA leave.)]

[(i)] (h) Effective date of election changes.

Any increase in the election amount designated by a participant made due to a change in status may include only those expenses which the participant expects to incur at a time during the period of coverage subsequent to the effective date of the increase. Any increase or decrease to an election amount for a program described in the Plan document under Article Four, section 4.01(b) or 4.01(c) shall be effective with the first day of the month coincident with or next following the Plan Administrator's receipt and approval of written notification of the new election. Any increase or decrease to an election amount for a program described in the Plan document under Article Four, section 4.01(a), 4.01(d), or 4.01(e), or 4.01(f) shall be effective with the first required premium payment

after the event. *[Any provider initiated increase in the premium for a program described in the Plan document under Article Four, section 4.01(d) may be added to the participant's election amount only during the first month that the premium increase becomes effective and only to the extent as allowed under applicable Internal Revenue Service regulations.]*

3.08 If participation terminates due to a separation of service and the individual returns to eligible employment within thirty (30) days in the same Plan Year, then the participant's election will be reinstated as it was immediately prior to the separation of service. If participation terminates due to a separation of service and the individual returns to eligible employment after thirty (30) days in the same Plan Year, then the participant may make a new election for the remainder of the Plan Year. If salary reduction contributions were not made during the separation of service, the participant will not be able to be reimbursed for expenses incurred under benefits described under sections 4.01(b) and 4.01(c) during the separation.

ARTICLE FOUR AVAILABLE SELECTION OF BENEFITS

4.01 In general, employees may choose to participate in any one or more of the following benefit categories offered under the MSECP:

(a) State-Sponsored Medical Insurance—This benefit category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP. This article shall expressly include any Health Maintenance Organization (HMO) to which the employer makes a contribution on behalf of a participant;

(b) Flexible Medical Benefits—This benefit category provides for payment to the participant of the cost of medical care for the participant or spouse or dependents of the participant. Such expenses must be incurred pursuant to the terms of the separate but related MSEFMBP (Appendix C), established in conjunction with the MSECP;

(c) Dependent Care Assistance—This benefit category provides for payment to the participant of employment-related expenses for the care of the spouse or dependents of the participant. Such expenses must be incurred pursuant to the terms of the separate but related MSEDCA (Appendix B) established concurrently with the MSECP;

(d) State-Sponsored Group Term Life Insurance—This benefit category provides for the direct payment to the insurance provider for the participant's share of the cost or premium for coverage under any plan or program which provides group term life insurance covering the participant's life, which plan or program is available to the employee by reason of status as an employee;

(e) State-Sponsored Dental Insurance—This benefit category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of

this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP;

(f) State-Sponsored Vision Care Insurance—This benefit category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP; and

(g) Cash.

ARTICLE SIX CONTRIBUTIONS TO PARTICIPANT ACCOUNTS

6.01 Except as provided in the MSEFMBP, section *3.02, 4.04, 6.03* or Article VII, contributions to the account of each participant shall be made only by the employer and shall be made as follows: On the participant's regular pay date during each Plan Year, the employer shall cause to be contributed for credit to the account of said participant an amount equal to the sum of the permissible amounts elected by the participant for all benefits selected for the Plan Year divided by the number of the participant's regular pay dates in the Plan Year subsequent to the participant's effective date of participation.

ARTICLE EIGHT MISCELLANEOUS

8.01 No participant shall have any right to or interest in any assets of the MSECP upon termination or otherwise except as provided under the MSECP, and then only to the extent of the benefits payable under the MSECP to such participant. All payments of benefits provided under the MSECP shall be made solely out of the assets of the */MSECP/ employer*.

APPENDIX B MISSOURI STATE EMPLOYEES' DEPENDENT CARE ASSISTANCE PLAN

ARTICLE FOUR LIMITATIONS AND RESTRICTIONS ON PAYMENTS FROM THE PLAN

4.01 No direct payment to a participant or reimbursement to a participant for Dependent Care Assistance may be made from the MSEDCA unless the total assistance amount, including all other amounts paid to the participant for Dependent Care Assistance during the same Plan Year, does not exceed the lesser of: (a) five thousand dollars (\$5000) (twenty-five hundred dollars (\$2500) in the case of a married individual filing a separate return), or (b) the wages, salaries and other employee compensation of the participant if unmarried or if the participant is married does not exceed the lesser of such employee compensation of the participant or that of the participant's spouse. For purposes of this paragraph, employee compensation shall not include the total of the permissible amounts selected under the related MSECP. For each month during which a spouse is a full-time student or incapable of independent self-care, said spouse shall be deemed to be gainfully employed and to have employee compensation of two hundred dollars (\$200) if there is only one (1) child or dependent and four hundred dollars (\$400) if there are two (2) or more children or dependents. A spouse is a student only if during each of five (5) calendar months

during the Plan year said spouse is a full-time student at an education organization described in *Internal Revenue Code* Section 170(b)(1)(A)(ii).

APPENDIX C MISSOURI STATE EMPLOYEES' FLEXIBLE MEDICAL BENEFITS PLAN

ARTICLE THREE ELIGIBILITY

3.02 Participants who elect to participate in this MSEFMBP shall elect to participate for the full Plan Year. Participants may arrange to have contributions made to the Plan as specified in the MSECP, section 6.01*f*.*J*, so long as the participant remains an employee of the employer. *[Upon termination of employment with the employer, payment of claims shall cease if required contributions are not received by the date the next required contribution is due.]* Participation and coverage shall cease upon separation of service as of the last day of the month in which the last contribution was received.

3.03 No participant in this MSEFMBP may modify or revoke an election with respect to the Plan Year, except under the conditions specified in MSECP, section *[307]3.07*. *[In addition, no participant may decrease the amount elected during a Plan Year except for a change due to the death of a spouse or dependent of the participant, divorce or legal separation, or for the participant taking a FMLA leave.]* In no case may a decrease in the amount of election result in a return of contributions to the participant.

ARTICLE FOUR LIMITATIONS AND RESTRICTIONS ON PAYMENTS FROM THE PLAN

4.05 Payments to participants shall be suspended whenever the designated contribution amount is not received by the time the next required payment is due. Payments will resume when the required contribution amounts are paid in full.

ARTICLE SIX CONTINUATION COVERAGE

6.03 A premium may be charged to the participant, spouse or dependent, as the case may be, for any period of continuation coverage equal to not more than one hundred two percent (102%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents. Any additional premium amount in excess of one hundred percent (100%) of the cost of providing coverage for the period to similarly situated participants, spouses or dependents, shall not be credited to the participant's account and shall be treated as an additional administrative charge. Continuation coverage will not extend beyond the end of the current plan year. However, coverage may terminate earlier if:

- (a) The employer ceases to provide any medical reimbursement plans to any *[employer]* employee;
- (b) The premiums described above are not paid within thirty (30) days of their due date; or
- (c) A party electing continuation coverage becomes covered under another group health plan or entitled to Medicare benefits.

6.04 Payments for expenses incurred during any period of continuation shall not be made until the contributions for that period are received by the MSECP.

6.05 Continuation coverage shall be provided in accordance with the requirements of Section 42 U.S.C. 300bb, all of which requirements are incorporated herein by reference.

ARTICLE SEVEN FAMILY AND MEDICAL LEAVE

7.02 An employee who continues coverage while on FMLA leave may choose from one or more of the following payment options. These options are referred to in this section as pre-pay, pay-as-you-go and catch-up. The catch-up option is only available while the employee is on an unpaid FMLA leave.

(a) Pre-pay.

(1) Under the pre-pay option, an employee may pay, prior to commencement of the FMLA leave period, the amounts due for the FMLA leave period.

(2) Contributions under the pre-pay option may be made on a pre-tax salary reduction basis from any taxable compensation.

(3) Contributions under the pre-pay option may also be made on an after-tax basis.

(b) Pay-as-you-go.

(1) Under the pay-as-you-go option, employees may pay their premium payments on the same schedule as payments would be made if the employee were not on leave or under any other payment schedule permitted by the Labor Regulations at 29 CFR 825.210(c) (i.e., on the same schedule as payments are made under the Consolidated Omnibus Reconciliation Act of 1985, Public Law 99-272; under the employer's existing rules for payment by employees on leave without pay; or under any other system voluntarily agreed to between the employer and the employee that is not inconsistent with this section or with 29 CFR 825.210(c)).

(2) Contributions under the pay-as-you-go option may be made on a pre-tax basis to the extent that the contributions are made from taxable compensation that is due the employee during the leave period, and provided that all cafeteria plan requirements are satisfied.

(3) Coverage under *[a benefit described in section 4.01(b)]* the MSEFMBP will be terminated for any employee who fails to make required premium payments while on FMLA leave.

(c) Catch-up.

(1) An employee on an unpaid FMLA leave may elect to use the catch-up option to pay premiums advanced on his or her behalf by the state during the FMLA leave. The state and the employee must agree in advance of the coverage period that: the employee elects to continue coverage while on unpaid FMLA leave; the state will assume responsibility for advancing payment of the premiums on the employee's behalf during the FMLA leave; and these advance amounts must be paid by the employee when the employee returns from FMLA leave.

(2) Contributions under the catch-up option may be made on a pre-tax salary reduction basis when the employee returns from FMLA leave from any available taxable compensation. These contributions will not be included in the employee's gross income, provided that all Cafeteria Plan requirements are satisfied.

(3) Contributions under the catch-up option may also be made on an after-tax basis.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities. The department proposes to amend paragraphs (2)(A)6. and 7. and (2)(D)(3). and 7.

PURPOSE: This amendment changes outboard motor regulations on *Labelle City Lake* and *Monroe (Route J Reservoir)*, closes *Chillicothe R-2 School District (Litton Center Pond)* to public fishing and changes the length limit on largemouth bass at *Maryville (Mozingo Lake)*.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(A) Boats and Motors. Boats with electric motors may be used except as follows:

1. Boats are prohibited on the following areas:

- A. Bridgeton (Kiwanis Lake)
- B. California (Proctor Park Lake)
- C. Cole County (Jaycee Park Lake)
- D. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods)
- E. Dexter City Lake
- F. Farmington City Lake
- G. Jackson (Rotary Park Lake)
- H. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Fleming Pond, Scherer Lake, Wyatt Lake)
- I. Jefferson City (McKay Park Lake)
- J. Mexico (Kiwanis Lake)
- K. Mineral Area College (Quarry Pond)
- L. Mount Vernon (Williams Creek Park Lake)
- M. Overland (Wild Acres Park Lake)
- N. Rolla (Schuman Park Lake)
- O. St. Louis County (Bee Tree Lake)
- P. Sedalia (Clover Dell Park Lake, Liberty Park Lake)
- Q. The James Foundation (Scioto Lake)
- R. University of Missouri (South Farm R-1 Lake)

2. Only boats without motors may be used on *Columbia (Twin Lake)*.

3. Outboard motors must be operated at slow, no-wake speed on *Concordia (Edwin A. Pape Lake)*.

4. No boat motor restrictions apply on *Harrison County Lake* and *Maryville (Mozingo Lake)*.

5. Outboard motors not in excess of forty (40) horsepower may be used on *Springfield City Utilities (Fellows Lake)*.

6. Outboard motors not in excess of ten (10) horsepower may be used on the following areas:

- A. Bethany (North Bethany City Reservoir)
- B. Fayette (D.C. Rogers Lake, Fayette City Lake No. 2)
(C. LaBelle City Lake)
- (D.) C. LaPlata City Lake*
- (E.) D. Macon City Lake*
- (F.) E. Moberly (Rothwell Park Lake, Water Works Lake)*
- (G.) F. Odessa (City Lake)*
- (H.) G. Springfield City Utilities (Lake Springfield)*
- (I.) H. Unionville City Lake*

7. Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

- A. Brookfield City Lake
- B. Cameron (Grindstone Reservoir)
- C. Fredericktown City Lake
- D. Higginsville City Lake
- E. Holden City Lake
- F. Iron Mountain City Lake
- G. LaBelle City Lake**
- (G.) H. Marceline City Lake*
- (H.) I. Memphis (Lake Showme)*
- (I.) J. Milan (Elmwood Lake)*
- K. Monroe (Route J Reservoir)**

(D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.

1. Fishing may be further restricted on designated portions of areas.

2. Bullfrogs and green frogs may be taken during the statewide season by hand, handnet, gig, longbow or hook and line except as follows:

A. Longbows may not be used to take frogs on *Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake)* *Farmington City Lake*, *Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)*, *Mexico (Lakeview Lake, Kiwanis Lake)*, *Moberly (Rothwell Park Lake, Water Works Lake)* and *The James Foundation (Scioto Lake)*.

B. Only pole and line may be used to take frogs on *Bridgeton (Kiwanis Lake)*, *Butler City Lake*, *Kirkwood (Walker Lake)*, *Mineral Area College (Quarry Pond)*, *Overland (Wild Acres Park Lake)*, *Saint Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake)*, *Sedalia (Clover Dell Park Lake, Liberty Park Pond)*, *Warrensburg (Lion's Lake)*, *Wentzville (Community Club Lake)* and *Windsor (Farrington Park Lake)*.

3. Fishing is prohibited on *Jackson County (Fleming Pond)* and *Chillicothe R-2 School District (Litton Center Pond)*.

4. Fish may be taken from lakes only with pole and line with lure or bait and not more than three (3) poles may be used by one (1) person at any time, except as follows:

A. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:

- (I) Brookfield City Lake
- (II) Bethany (North Bethany City Reservoir)
- (III) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)
- (IV) Fayette (D.C. Rogers Lake, Fayette City Lake No. 2)
- (V) Hamilton City Lake
- (VI) Harrison County Lake
- (VII) Jackson County (Lake Jacomo, north of Colbern Road)
- (VIII) Kirksville (Hazel Creek Lake)
- (IX) Maryville (Mozingo Lake)
- (X) Macon City Lake
- (XI) Saint Louis County (Sunfish Lake)
- (XII) Unionville City Lake

B. Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on *Jackson County (Prairie Lee Lake)*.

C. Carp, buffalo, gar and shad may be taken by longbow from sunrise to midnight throughout the year on *Concordia (Edwin A. Pape Lake)* and *Higginsville City Lake*.

5. Fishing is permitted, except in designated areas, on *Concordia (Edwin A. Pape Lake)*, *Higginsville City Lake* and *Odessa (City Lake, Upper Lake)*.

6. Statewide daily limits shall apply for all species, except as follows:

A. The daily limit for black bass is two (2) on the following lakes:

- (I) Ballwin (New Ballwin Lake, Vlasis Park Lake)
- (II) Bridgeton (Kiwanis Lake)
- (III) Butler City Lake
- (IV) California (Proctor Park Lake)
- (V) Columbia (Twin Lake)
- (VI) Concordia (Edwin A. Pape Lake)
- (VII) Ferguson (January-Wabash Lake)
- (VIII) Higginsville City Lake
- (IX) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)
- (X) Jefferson City (McKay Park Lake)
- (XI) Kirksville (Hazel Creek Lake)

(XII) Kirkwood (Walker Lake)
 (XIII) Macon (Blees Lake)
 (XIV) Mineral Area College (Quarry Pond)
 (XV) Overland (Wild Acres Park Lake)
 (XVI) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(XVII) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XVIII) University of Missouri (South Farm R-1 Lake)

(XIX) Warrensburg (Lion's Lake)

(XX) Wentzville (Community Club Lake)

(XXI) Windsor (Farrington Park Lake)

B. The daily limit for bullheads is ten (10) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

C. The daily limit for carp is four (4) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

D. The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

E. The daily limit for crappie is fifteen (15) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Kirksville (Hazel Creek Lake)

(IV) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(V) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(VI) Springfield City Utilities (Fellows Lake)

F. The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

G. The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

H. The daily limit for other fish (those not included in rules 3 CSR 10-6.505 through 3 CSR 10-6.545 and 3 CSR 10-4.111) is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (2)(D)6.B., C. and G.:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Ferguson (January-Wabash Lake)

(IV) Kirkwood (Walker Lake)

(V) Mineral Area College (Quarry Pond)

(VI) Overland (Wild Acres Park Lake)

(VII) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(VIII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(IX) Wentzville (Community Club Lake)

7. Statewide length limits shall apply for all species, except that all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

A. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes.

(I) Bethany (Old Bethany City Reservoir)

(II) Butler City Lake

(III) California (Proctor Park Lake)

(IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(V) Carthage (Kellogg Lake)

(VI) Concordia (Edwin A. Pape Lake)

(VII) Dexter City Lake

(VIII) Hamilton City Lake

(IX) Harrison County Lake

(X) Higginsville City Lake

(XI) Holden City Lake

(XII) Iron Mountain City Lake

(XIII) Jackson (Rotary Park Lake)

(XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

(XV) Jefferson City (McKay Park Lake)

(XVI) Lancaster City Lake

(XVII) Maryville (Mozingo Lake)

(XVIII) Maysville (Willow Brook Lake)

(XIX) Mineral Area College (Quarry Pond)

(XX) Warrensburg (Lion's Lake)

(XXI) Windsor (Farrington Park Lake)

(XXII) Unionville City Lake

(XXIII) University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake)

B. All black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Columbia (Twin Lake)

(IV) Ferguson (January-Wabash Lake)

(V) Kirksville (Hazel Creek Lake)

(VI) Kirkwood (Walker Lake)

(VII) Macon (Blees Lake)

(VIII) Overland (Wild Acres Park Lake)

(IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake,

Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XI) University of Missouri (South Farm R-1 Lake)
(XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught in Kirksville (Hazel Creek Lake).

I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on, Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting to trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 through January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. For intervening history, please consult the Code of State Regulations. Amended. Filed Feb. 6, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions

PROPOSED AMENDMENT

3 CSR 10-11.805 Definitions. The department proposes to delete section (27), add new sections (36) and (44) and renumber the remaining sections.

PURPOSE: This amendment creates a new nonresident landowner definition for the purpose of offering qualifying persons permits for hunting deer and turkeys at reduced prices, compared to nonresident deer and turkey hunting permits. In addition, this rule clarifies there are now two landowner definitions (resident and nonresident).

((27) Landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.)

((28)) (27) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

((29)) (28) Lessee: Any Missouri resident who resides on at least five (5) acres of land in one (1) continuous tract owned by others, or any member of the immediate household whose legal residence and domicile is the same as the lessee's for at least thirty (30) days last past.

((30)) (29) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this Code.

((31)) (30) Longbow: A bow drawn and held by hand and not fastened to a stock nor to any other device which maintains the bow in a drawn position. This definition includes compound bows.

((32)) (31) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas and numbers of participants are determined annually and presented in the deer hunting rule (3 CSR 10-7.435).

((33)) (32) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

((34)) (33) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

((35)) (34) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

((36)) (35) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

(36) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) continuous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past. Corporate ownerships do not apply under this definition.

(44) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) continuous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty

(30) days last past. Except as provided in 3 CSR 10-7.435, in the case of corporate ownership, this definition shall apply only to those corporate shareholders who reside on lands held by the corporation.

/(44)] (45) Sell: To exchange for compensation in any material form and the term shall include offering for sale.

/(45)] (46) Speargun: A mechanically powered device that propels a single- or multiple-pronged spear underwater.

/(46)] (47) Store and storage: Shall also include chilling, freezing and other processing.

/(47)] (48) Take or taking: Includes killing, trapping, snaring, netting or capturing in any manner, any wildlife, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting or use of any net, trap, device, contrivance or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife.

/(48)] (49) Transport and transportation: All carrying or moving or causing to be carried or moved from one (1) point to another, regardless of distance, vehicle or manner, and includes offering or receiving for transport or transit.

/(49)] (50) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

/(50)] (51) Waters of the state: All rivers, streams, lakes and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

/(51)] (52) Zoo: Any publicly-owned facility, park, building, cage, enclosure or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the Code of State Regulations. Amended. Filed Feb. 6, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services. The division is adding subparagraph (4)(A)1.H.

PURPOSE: This amendment outlines how the State Fiscal Year 2001 trend factor will be applied to adjust per-diem rates for ICF/MRs participating in the Medicaid program.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF/MR services certified to participate in Missouri's Medicaid program.

1. ICF/MR facilities.

A. Except in accordance with other provisions of this rule, the Missouri Medical Assistance Program shall reimburse providers of these LTC services based on the individual Medicaid-recipient days of care multiplied by the Title XIX prospective per-diem rate less any payments collected from recipients. The Title XIX prospective per-diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per-diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per-diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per-diem rate. Facilities with less than a full twelve (12)-month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1988 shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per-diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per-diem rates paid to nonstate-operated ICF/MR facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for

increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per-diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per-diem rate paid to nonstate-operated ICF/MR facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the Medicaid agency to impose a rate adjustment in the case of fraudulent, misrepresented or inaccurate information in any way shall affect the Medicaid agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the Medicaid agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per-diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's Medicaid reimbursement rate is higher than either its private pay rate or its Medicare rate, the Medicaid rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control and the circumstances are not experienced by the nursing home or ICF/MR industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo [1994] 2000. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 14, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies \$163,275.45 in State Fiscal Year 2001.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

13 -- Department of Social Services

Title: _____

70 -- Division of Medical Services

Division: _____

10 -- Nursing Home Program

Chapter: _____

Proposed Amendment

Type of Rulemaking: _____

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-

Rule Number and Name: _____

Operated Facilities for ICF/MR Services

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	Annual Estimated Cost:\$163,275.45 State Fiscal Year 2001

III. WORKSHEET

Weighted average rate @ 4/30/00 \$160.23

Trend Factor 3%Per Diem Trend \$ 4.81**IV. ASSUMPTIONS**

Patient days for Nonstate-operated ICF/MR facilities will remain constant with patient days in state fiscal year 2000. The trend factor will be arrived at through use of the April 2000 weighted average of all Nonstate-operated ICF/MR facilities.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

By the authority vested in the Missouri Public Service Commission under sections 700.040 and 700.115, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-120.135 New Manufactured Home Inspection Fee is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2520-2522). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments and reply comments were submitted and a public hearing was held on November 17, 2000. The Commission's Staff supported the proposed rule. Comments from the Manufactured Housing Association (Association) supported other provisions or opposed adoption of the rule.

COMMENT: Comments were received asserting that the proposed rule places no upper limit on the amount of inspection fees. Without a cap on the amount of inspection fees that can be assessed, dealers and manufacturers will be unable to accurately predict the cost of their product.

RESPONSE: The proposed inspection fee rule is designed to make up part of the difference in the Manufactured Housing and Modular Unit Program's (Program) lost revenue after recreational vehicles (RV) were removed from the Public Service Commission's (PSC) jurisdiction. The rule authorizes the Commission to calculate and set the inspection fee on an annual basis by calculating the difference between the amount of revenue generated and needed, based on the upcoming fiscal year budget appropriation, and the total number of manufactured homes sold over the past fiscal year. The fee would generally fill the void in the Program's revenue requirement, and would change from year to year due to fluctuating variables that produce revenue. Since the fee is designed to fill a void in revenue requirements, it would not be advantageous to set an upper limit on the fee. The Program is partially funded by set fees for annual registrations, plan approvals, seals, and payments from HUD for the State's enforcement program. If the Program were to be funded totally by the proposed inspection fee based on current revenue requirements, that fee would be approximately \$45 per home sold. Therefore, the industry could assume that the fee would not be more than \$45 for the upcoming year.

COMMENT: Comments were received asserting that the proposed rules increase fees without stating which, if any, new services will be provided to the public, to dealers or to manufacturers. Such fees are required by statute to be reasonable, and without an accounting as to why the increases in fees are necessary such fees are unreasonable.

RESPONSE: The inspection fee is only proposed and designed to fill the void in the Program's revenue requirement and will simply help fund the current ongoing budget allocation. A large part of the Program's services is providing an inspection service to investigate consumer complaints and inspect dealer lots and manufacturing plants. Section 700.040(2) of the state statutes gives the Commission the authority to establish reasonable fees for inspections, which are sufficient to cover all costs incurred in the administration of Sections 700.010 to 700.115 of the statutes. RV regulation subsidized a large part (approximately 60%) of the Program's budget. However, workload attributed to RV regulation basically involved paperwork and very little inspection service. For example, approximately 30% of the Program's paperwork and

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.460, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2520). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

2% of consumer complaint investigation workload was generated by RV regulation. Therefore, with only a minimal reduction in its workload, the Program basically continued to provide the same services that it provided before the removal of the RV program. With the staff and resources provided for in the current ongoing budget allocation, the Program could not adequately provide any new services.

COMMENT: Comments were received asserting that the proposed rules do not contain a "roll back" provision so as to reduce inspection fees to be charged in succeeding fiscal years, by the amount of inspection fees remaining unspent during the present fiscal year. **RESPONSE:** The inspection fee is calculated, set annually and approved by the Commission. The inspection fee will be strictly generated by the differences in the amount of generated revenue, the appropriated budget, and the total homes sold variables. If the Program does not spend its appropriations, then budget appropriation adjustments will likely result. Therefore, monies not spent will eventually lower the appropriations and subsequently, the inspection fee calculation.

COMMENT: Comments were received asserting that the proposed rules contain no sunset clause, which would provide for their termination at the expiration of a given period of time.

RESPONSE: A sunset clause would not be necessary, so long as the Program continues to need the funding that is generated by the proposed inspection fee. If current legislation and rulemaking proposals involving current fee structure increases are enacted, the commission will rescind the inspection fee rule.

COMMENT: Comments were received suggesting that neither the proposed rules nor existing rules require that sales of modular units be reported. The inspection fee calculation is based in part on the number of new and pre-owned manufactured homes and modular homes sold in a given fiscal year. The proposed rule provides no mechanism to determine the number of modular homes sold in a fiscal year and therefore no basis upon with which to accurately calculate the inspection fee.

RESPONSE: Proposed rulemaking (4 CSR 240-123.070) is currently in progress that will require modular unit dealers to report monthly sales. The proposed rulemaking was issued an Order Finding Necessity in Case No. MX-2000-446 and is awaiting final Commission approval.

COMMENT: Comments were received indicating that the Association opposes adoption of the rule. However, in the alternative, should the Commission decide the proposed rules have some merit, the Association asks the Commission to delay consideration of the rules until the end of the 2001 Missouri Legislative session. This would give interested parties time to consider a solution to the funding needs created by Chapter 700. A delay in considering the proposed rules would allow consideration of the following:

(a) Does the PSC need to increase its staff given the fact that the manufactured housing industry's sales are declining and the number of consumer complaints in the last two years have declined? With fewer units being sold in the State of Missouri and consumer complaints on the decline, it is unlikely that additional field representatives are required.

(b) Consideration should be given to other reasonable ways to raise the funds necessary to implement the PSC's duties under Chapter 700. One such way would be to initiate a Complaint Inspection Fee. Inspections would be initiated on a consumer complaint. The reasonable cost of such inspections, in the Association's opinion, would be \$100.00 and that fee would be paid equally by the manufacturer and the dealer. Failure to pay the required inspection fee would place the dealer's or manufacturer's registration in jeopardy. This proposal has the benefit of having the inspection fee paid by parties who may not have manufactured or installed a home correctly, as opposed to assessing the industry

generally. It also has the benefit of not requiring an inspection for each home sold, therefore reducing cost.

(c) A program could be established which would require that each and every manufactured home be inspected prior to occupancy. A reasonable fee to cover the cost of these inspections would fund the program. This approach has been suggested by members of the PSC Staff.

RESPONSE: Other fee increases and funding recommendations have been discussed and incorporated in proposed rulemaking and legislation that will fund the Program without the use of the proposed inspection fee. As stated above, it has been agreed that if proposed legislation is enacted, and proposed rulemaking is approved and published, then the Commission will rescind the proposed inspection fee rules. The PSC currently has two FTE for the Manufactured Housing Program. However, the ongoing operating budget used in calculating the proposed inspection fee will not include those FTE. The proposed inspection fee will only supplement a fee structure that meets the ongoing budget mentioned above. Over the course of the past year and a half, consideration was given to several different ways to replace lost RV revenue. One consideration was to implement an "inspection charge," which would be issued upon each physical inspection. However, an "inspection charge" would not come close to filling the revenue void left by RV deregulation, unless the charge was extremely high. Thus, the idea of a fee per home sold was developed. Discussions have also been held pertaining to statewide inspection. A statewide inspection program would be advantageous in many ways, although it could be difficult to implement, due to an enormous workforce requirement. The Commission welcomes continued discussion and planning with the Association in an attempt to set reasonable fees and enforcement standards in the future.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.460, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-121.180 Monthly Report Requirement for Registered
Manufactured Home Dealers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2523). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 700.040 and 700.115, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-121.185 Pre-Owned Manufactured Home Inspection
Fee is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2523-2525). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments and reply comments were submitted and a public hearing was held on November 17, 2000. The Commission's Staff supported the proposed rule. Comments from the Manufactured Housing Association (Association) supported other provisions or opposed adoption of the rule.

COMMENT: Comments were received asserting that the proposed rule places no upper limit on the amount of inspection fees. Without a cap on the amount of inspection fees that can be assessed, dealers and manufacturers will be unable to accurately predict the cost of their product.

RESPONSE: The proposed inspection fee rule is designed to make up part of the difference in the Manufactured Housing and Modular Unit Program's (Program) lost revenue after recreational vehicles (RV) were removed from the Public Service Commission's (PSC) jurisdiction. The rule authorizes the Commission to calculate and set the inspection fee on an annual basis by calculating the difference between the amount of revenue generated and needed, based on the upcoming fiscal year budget appropriation, and the total number of manufactured homes sold over the past fiscal year. The fee would generally fill the void in the Program's revenue requirement, and would change from year to year due to fluctuating variables that produce revenue. Since the fee is designed to fill a void in revenue requirements, it would not be advantageous to set an upper limit on the fee. The Program is partially funded by set fees for annual registrations, plan approvals, seals, and payments from HUD for the State's enforcement program. If the Program were to be funded totally by the proposed inspection fee based on current revenue requirements, that fee would be approximately \$45 per home sold. Therefore, the industry could assume that the fee would not be more than \$45 for the upcoming year.

COMMENT: Comments were received asserting that the proposed rules increase fees without stating which, if any, new services will be provided to the public, to dealers or to manufacturers. Such fees are required by statute to be reasonable, and without an accounting as to why the increases in fees are necessary such fees are unreasonable.

RESPONSE: The inspection fee is only proposed and designed to fill the void in the Program's revenue requirement and will simply help fund the current ongoing budget allocation. A large part of the Program's services is providing an inspection service to investigate consumer complaints and inspect dealer lots and manufacturing plants. Section 700.040(2) of the state statutes gives the Commission the authority to establish reasonable fees for inspections, which are sufficient to cover all costs incurred in the administration of Sections 700.010 to 700.115 of the statutes. RV regulation subsidized a large part (approximately 60%) of the Program's budget. However, workload attributed to RV regulation basically involved paperwork and very little inspection service. For example, approximately 30% of the Program's paperwork and 2% of consumer complaint investigation workload was generated by RV regulation. Therefore, with only a minimal reduction in its workload, the Program basically continued to provide the same services that it provided before the removal of the RV program. With the staff and resources provided for in the current ongoing budget allocation, the Program could not adequately provide any new services.

COMMENT: Comments were received asserting that the proposed rules do not contain a "roll back" provision so as to reduce inspection fees to be charged in succeeding fiscal years, by the amount of inspection fees remaining unspent during the present fiscal year.

RESPONSE: The inspection fee is calculated, set annually and approved by the Commission. The inspection fee will be strictly generated by the differences in the amount of generated revenue, the appropriated budget, and the total homes sold variables. If the Program does not spend its appropriations, then budget appropriation adjustments will likely result. Therefore, monies not spent will eventually lower the appropriations and subsequently, the inspection fee calculation.

COMMENT: Comments were received asserting that the proposed rules contain no sunset clause, which would provide for their termination at the expiration of a given period of time.

RESPONSE: A sunset clause would not be necessary, so long as the Program continues to need the funding that is generated by the proposed inspection fee. If current legislation and rulemaking proposals involving current fee structure increases are enacted, the commission will rescind the inspection fee rule.

COMMENT: Comments were received suggesting that neither the proposed rules nor existing rules require that sales of modular units be reported. The inspection fee calculation is based in part on the number of new and pre-owned manufactured homes and modular homes sold in a given fiscal year. The proposed rule provides no mechanism to determine the number of modular homes sold in a fiscal year and therefore no basis upon with which to accurately calculate the inspection fee.

RESPONSE: Proposed rulemaking (4 CSR 240-123.070) is currently in progress that will require modular unit dealers to report monthly sales. The proposed rulemaking was issued an Order Finding Necessity in Case No. MX-2000-446 and is awaiting final Commission approval.

COMMENT: Comments were received indicating that the Association opposes adoption of the rule. However, in the alternative, should the Commission decide the proposed rules have some merit, the Association asks the Commission to delay consideration of the rules until the end of the 2001 Missouri Legislative session. This would give interested parties time to consider a solution to the funding needs created by Chapter 700. A delay in considering the proposed rules would allow consideration of the following:

(a) Does the PSC need to increase its staff given the fact that the manufactured housing industry's sales are declining and the number of consumer complaints in the last two years have declined? With fewer units being sold in the State of Missouri and consumer complaints on the decline, it is unlikely that additional field representatives are required.

(b) Consideration should be given to other reasonable ways to raise the funds necessary to implement the PSC's duties under Chapter 700. One such way would be to initiate a Complaint Inspection Fee. Inspections would be initiated on a consumer complaint. The reasonable cost of such inspections, in the Association's opinion, would be \$100.00 and that fee would be paid equally by the manufacturer and the dealer. Failure to pay the required inspection fee would place the dealer's or manufacturer's registration in jeopardy. This proposal has the benefit of having the inspection fee paid by parties who may not have manufactured or installed a home correctly, as opposed to assessing the industry generally. It also has the benefit of not requiring an inspection for each home sold, therefore reducing cost.

(c) A program could be established which would require that each and every manufactured home be inspected prior to occupancy. A reasonable fee to cover the cost of these inspections would fund the program. This approach has been suggested by members of the PSC Staff.

RESPONSE: Other fee increases and funding recommendations have been discussed and incorporated in proposed rulemaking and legislation that will fund the Program without the use of the proposed inspection fee. As stated above, it has been agreed that if proposed legislation is enacted, and proposed rulemaking is approved and published, then the Commission will rescind the proposed inspection fee rules. The PSC currently has two FTE for the Manufactured Housing Program. However, the ongoing operating budget used in calculating the proposed inspection fee will not include those FTE. The proposed inspection fee will only supplement a fee structure that meets the ongoing budget mentioned above. Over the course of the past year and a half, consideration was given to several different ways to replace lost RV revenue. One consideration was to implement an "inspection charge," which would be issued upon each physical inspection. However, an "inspection charge" would not come close to filling the revenue void left by RV deregulation, unless the charge was extremely high. Thus, the idea of a fee per home sold was developed. Discussions have also been held pertaining to statewide inspection. A statewide inspection program would be advantageous in many ways, although it could be difficult to implement, due to an enormous workforce requirement. The Commission welcomes continued discussion and planning with the Association in an attempt to set reasonable fees and enforcement standards in the future.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 700.040 and 700.115, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-123.075 Modular Unit Inspection Fee is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2526-2527). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments and reply comments were submitted and a public hearing was held on November 17, 2000. The Commission's Staff supported the proposed rule. Comments from the Manufactured Housing Association (Association) supported other provisions or opposed adoption of the rule.

COMMENT: Comments were received asserting that the proposed rule places no upper limit on the amount of inspection fees. Without a cap on the amount of inspection fees that can be assessed, dealers and manufacturers will be unable to accurately predict the cost of their product.

RESPONSE: The proposed inspection fee rule is designed to make up part of the difference in the Manufactured Housing and Modular Unit Program's (Program) lost revenue after recreational vehicles (RV) were removed from the Public Service Commission's (PSC) jurisdiction. The rule authorizes the Commission to calculate and set the inspection fee on an annual basis by calculating the difference between the amount of revenue generated and needed, based on the upcoming fiscal year budget appropriation, and the total number of manufactured homes sold over the past fiscal year. The fee would generally fill the void in

the Program's revenue requirement, and would change from year to year due to fluctuating variables that produce revenue. Since the fee is designed to fill a void in revenue requirements, it would not be advantageous to set an upper limit on the fee. The Program is partially funded by set fees for annual registrations, plan approvals, seals, and payments from HUD for the State's enforcement program. If the Program were to be funded totally by the proposed inspection fee based on current revenue requirements, that fee would be approximately \$45 per home sold. Therefore, the industry could assume that the fee would not be more than \$45 for the upcoming year.

COMMENT: Comments were received asserting that the proposed rules increase fees without stating which, if any, new services will be provided to the public, to dealers or to manufacturers. Such fees are required by statute to be reasonable, and without an accounting as to why the increases in fees are necessary such fees are unreasonable.

RESPONSE: The inspection fee is only proposed and designed to fill the void in the Program's revenue requirement and will simply help fund the current ongoing budget allocation. A large part of the Program's services is providing an inspection service to investigate consumer complaints and inspect dealer lots and manufacturing plants. Section 700.040(2) of the state statutes gives the Commission the authority to establish reasonable fees for inspections, which are sufficient to cover all costs incurred in the administration of Sections 700.010 to 700.115 of the statutes. RV regulation subsidized a large part (approximately 60%) of the Program's budget. However, workload attributed to RV regulation basically involved paperwork and very little inspection service. For example, approximately 30% of the Program's paperwork and 2% of consumer complaint investigation workload was generated by RV regulation. Therefore, with only a minimal reduction in its workload, the Program basically continued to provide the same services that it provided before the removal of the RV program. With the staff and resources provided for in the current ongoing budget allocation, the Program could not adequately provide any new services.

COMMENT: Comments were received asserting that the proposed rules do not contain a "roll back" provision so as to reduce inspection fees to be charged in succeeding fiscal years, by the amount of inspection fees remaining unspent during the present fiscal year.

RESPONSE: The inspection fee is calculated, set annually and approved by the Commission. The inspection fee will be strictly generated by the differences in the amount of generated revenue, the appropriated budget, and the total homes sold variables. If the Program does not spend its appropriations, then budget appropriation adjustments will likely result. Therefore, monies not spent will eventually lower the appropriations and subsequently, the inspection fee calculation.

COMMENT: Comments were received asserting that the proposed rules contain no sunset clause, which would provide for their termination at the expiration of a given period of time.

RESPONSE: A sunset clause would not be necessary, so long as the Program continues to need the funding that is generated by the proposed inspection fee. If current legislation and rulemaking proposals involving current fee structure increases are enacted, the commission will rescind the inspection fee rule.

COMMENT: Comments were received suggesting that neither the proposed rules nor existing rules require that sales of modular units be reported. The inspection fee calculation is based in part on the number of new and pre-owned manufactured homes and modular homes sold in a given fiscal year. The proposed rule provides no mechanism to determine the number of modular homes

sold in a fiscal year and therefore no basis upon with which to accurately calculate the inspection fee.

RESPONSE: Proposed rulemaking (4 CSR 240-123.070) is currently in progress that will require modular unit dealers to report monthly sales. The proposed rulemaking was issued an Order Finding Necessity in Case No. MX-2000-446 and is awaiting final Commission approval.

COMMENT: Comments were received indicating that the Association opposes adoption of the rule. However, in the alternative, should the Commission decide the proposed rules have some merit, the Association asks the Commission to delay consideration of the rules until the end of the 2001 Missouri Legislative session. This would give interested parties time to consider a solution to the funding needs created by Chapter 700. A delay in considering the proposed rules would allow consideration of the following:

(a) Does the PSC need to increase its staff given the fact that the manufactured housing industry's sales are declining and the number of consumer complaints in the last two years have declined? With fewer units being sold in the State of Missouri and consumer complaints on the decline, it is unlikely that additional field representatives are required.

(b) Consideration should be given to other reasonable ways to raise the funds necessary to implement the PSC's duties under Chapter 700. One such way would be to initiate a Complaint Inspection Fee. Inspections would be initiated on a consumer complaint. The reasonable cost of such inspections, in the Association's opinion, would be \$100.00 and that fee would be paid equally by the manufacturer and the dealer. Failure to pay the required inspection fee would place the dealer's or manufacturer's registration in jeopardy. This proposal has the benefit of having the inspection fee paid by parties who may not have manufactured or installed a home correctly, as opposed to assessing the industry generally. It also has the benefit of not requiring an inspection for each home sold, therefore reducing cost.

(c) A program could be established which would require that each and every manufactured home be inspected prior to occupancy. A reasonable fee to cover the cost of these inspections would fund the program. This approach has been suggested by members of the PSC Staff.

RESPONSE: Other fee increases and funding recommendations have been discussed and incorporated in proposed rulemaking and legislation that will fund the Program without the use of the proposed inspection fee. As stated above, it has been agreed that if proposed legislation is enacted, and proposed rulemaking is approved and published, then the Commission will rescind the proposed inspection fee rules. The PSC currently has two FTE for the Manufactured Housing Program. However, the ongoing operating budget used in calculating the proposed inspection fee will not include those FTE. The proposed inspection fee will only supplement a fee structure that meets the ongoing budget mentioned above. Over the course of the past year and a half, consideration was given to several different ways to replace lost RV revenue. One consideration was to implement an "inspection charge," which would be issued upon each physical inspection. However, an "inspection charge" would not come close to filling the revenue void left by RV deregulation, unless the charge was extremely high. Thus, the idea of a fee per home sold was developed. Discussions have also been held pertaining to statewide inspection. A statewide inspection program would be advantageous in many ways, although it could be difficult to implement, due to an enormous workforce requirement. The Commission welcomes continued discussion and planning with the Association in an attempt to set reasonable fees and enforcement standards in the future.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under sections 173.095–173.186, RSMo 2000, the commissioner amends a rule as follows:

6 CSR 10-2.030 Eligibility to Participate in the Missouri Student Loan Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2796). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 5—Regulation of Proprietary Schools

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under sections 173.600–173.619, RSMo 2000, the commissioner rescinds a rule as follows:

6 CSR 10-5.010 Rules for Certification of Proprietary Schools is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2796). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 5—Regulation of Proprietary Schools

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under sections 173.600–173.619, RSMo 2000, the commissioner adopts a rule as follows:

6 CSR 10-5.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2796–2805). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGES: One comment was received on this proposed rule. In addition, changes have been made for clarification and grammatical purposes. Specifically, the words "truly and accurately" were

replaced with the word “truthfully” in paragraph (5)(A)7. in order to make the meaning more precise. In addition, subparagraph D and the series of items that follow that statement were revised to adopt a uniform format.

COMMENT: The commenter raised questions regarding the adequacy of the institutional standards pertaining to advertising. Of particular concern was the ability of the proposed language to ensure appropriate safeguards against the misleading effects of the omission or concealing of information from advertisements and other descriptions of a school.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the commenter and the series of items following subparagraph (5)(A)7.D. has been revised to address the concern by adding a new part (IV).

6 CSR 10-5.010 Rules for Certification of Proprietary Schools

(5) Certification Standards.

(A) Institutional Standards.

1. The school must have an exact physical location or locations.

2. The school must have an official name. A certificate of approval shall not be issued to a school if the name of that school, whether initially proposed or changed after establishment, is:

A. Identical to the name of an existing certified school or a public or independent college or university in Missouri; or

B. Deemed, by the department, to cause confusion of identity among the lay public.

3. The purpose of the school shall be legitimate and acceptable educationally and shall be supported by the operations and programs of the school.

4. The physical plant and equipment of the school shall be commensurate in size, accommodations, and condition to the purpose and programs of the school.

5. The learning resources of the school, such as educational equipment, computer hardware and software, library holdings, and telecommunications equipment, shall be sufficient to meet the educational objectives of all courses and programs.

6. The school must be in current compliance with all pertinent ordinances and laws relating to the safety, health, and security of the persons on the premises.

7. All media advertising and other informative or promotional materials, including those printed, published, recorded, or presented descriptive of the school shall:

A. Truthfully represent the characteristics of the school;

B. Include the name of the school and shall specify either the school mailing address, the telephone number, or both;

C. When referencing Missouri certification status, only refer to itself as being “certified to operate” or “approved to operate” by the “Missouri Coordinating Board for Higher Education” or the “Missouri Department of Higher Education”; and

D. Not be deceptive or misleading, as determined by the department, such as by:

(I) Stating in advertising or other materials that the school, its programs, certificates, or degrees are accredited, certified, or approved by the Coordinating Board for Higher Education, the Department of Higher Education, or by the state of Missouri or any of its agencies;

(II) Using employment or want ad sections or services of any newspaper or advertising media for purposes of student recruitment;

(III) Stating in advertising or other material that the school is accredited by any organization that is not an accrediting agency officially recognized by the United States Department of Education;

(IV) Omitting or concealing any material information that obscures a truthful description of the school, its programs, or its services; or

(V) Making any statement that cannot be verified or documented by the school.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805 and 313.822, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.380 Occupational License Application and Annual Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2717-2718). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805 and 313.822, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.390 Occupational License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2718). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 10—Licensee’s Responsibilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805 and 313.822, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-10.110 Licensee’s Duty to Report Occupational Personnel is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2718-2719). No changes have been made in the text of the proposed amendment, so it is not

reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo 2000, the director amends a rule as follows:

11 CSR 75-3.020 Eligibility for Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2827). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2000 (25 MoReg 2827). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2728). No changes have been made in the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 10—Mortgage Guaranty Insurance

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 500-10.100 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 2, 2000 (25 MoReg 2459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments expressing support for this amendment were received at the public hearing.

RESPONSE: The department is hereby proceeding with the Order of Rulemaking on this amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 10—Mortgage Guaranty Insurance

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under sections 374.045 and 375.948, RSMo 2000, the director amends a rule as follows:

20 CSR 500-10.300 Unfair Acts or Practices is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 2, 2000 (25 MoReg 2459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments expressing support for this amendment were received at the public hearing.

RESPONSE: The department is hereby proceeding with the Order of Rulemaking on this amendment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**ACTIONS TAKEN ON
APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following application has been granted. This credit union has met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Mazuma Credit Union 9300 Troost Kansas City, MO 64131	Clay County Platte County Jackson County

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

IN ADDITION

10 CSR 10-5.375 Motor Vehicle Emission Inspection Waiver

This in addition corrects a printing error in the fiscal note as published in the order of rulemaking in the February 15, 2001 *Missouri Register* (26 MoReg 444-446). In the fiscal note under Part IV Assumptions, the list was incorrectly numbered and the last line was dropped from the copy as filed. This fiscal note is reprinted here for clarity.

**REVISED FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 5 - Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10-5.375 - Motor Vehicle Emission Inspection Waiver

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
252	Franklin County Automobile Repair Technicians	\$11,016

III. WORKSHEET

YEAR	# OF REPAIR TECHNICIANS	# OF ASE CERTIFICATIONS	COST OF CERTIFICATION
2000	287	86	\$ 5,848
2001	292	10	\$ 680
2002	297	10	\$ 680
2003	302	10	\$ 680
2004	307	10	\$ 680
2005	313	9	\$ 612
2006	318	9	\$ 612
2007	324	9	\$ 612
2008	329	9	\$ 612
TOTAL		162	\$11,016

IV. ASSUMPTIONS

1. In 1990 the U.S. census showed 242 automobile repair technicians in Franklin county.
2. Assume that the repair technician's growth is the same as the population's growth rate, which is approximately 1.725% a year.
3. Assume that during the first year of the program 30% of the repair technicians will get ASE certifications.
4. Assume that every year after the first year an additional 5% will get ASE certifications.
5. The current ASE testing fee for A6 and A8 is \$68 dollars and is assumed to be the same for the life of the rule.
6. Emission inspections will begin April 5, 2000 and end September 1, 2007.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B3Z01135 Utilization/Prior Authorization Review Services
3/16/01;

B2Z01026 Document Database Management System 3/21/01;

B3Z01163 Fitness Center 3/23/01;

B3Z01165 Telecommunications Consultant 3/27/01;

B3Z01103 Banking Services 3/28/01;

B3Z01123 Research and Analysis Services 3/29/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Outcome Based Contracting Consultation, supplied by the Rensselaerville Institute.

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

March 15, 2001
Vol. 26, No. 6

MISSOURI
REGISTER

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule .....				.24 MoReg 2535 .25 MoReg 2478
1 CSR 10-15.010	Commission of Administration	26 MoReg 103	This Issue		
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393		
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394		
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R		
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2872		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		25 MoReg 2872		
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2873		

DEPARTMENT OF AGRICULTURE

2 CSR 10-5.005	Market Development	24 MoReg 2269
2 CSR 30-10.010	Animal Health	26 MoReg 5
2 CSR 70-13.030	Plant Industries	25 MoReg 2370
2 CSR 90-21.060	Weights and Measures	25 MoReg 2788

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3 CSR 10-4.111	Conservation Commission		.26 MoReg 319		
3 CSR 10-4.115	Conservation Commission		.26 MoReg 319		
3 CSR 10-4.116	Conservation Commission		This Issue		
3 CSR 10-11.805	Conservation Commission		This Issue		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.010	Acupuncturist Advisory Committee		.25 MoReg 2374		
4 CSR 15-1.020	Acupuncturist Advisory Committee		.25 MoReg 2375		
4 CSR 15-1.030	Acupuncturist Advisory Committee		.25 MoReg 2375		
4 CSR 15-1.040	Acupuncturist Advisory Committee		.25 MoReg 2379		
4 CSR 15-2.010	Acupuncturist Advisory Committee		.25 MoReg 2379		
4 CSR 15-2.020	Acupuncturist Advisory Committee		.25 MoReg 2384		
4 CSR 15-2.030	Acupuncturist Advisory Committee		.25 MoReg 2388		
4 CSR 15-2.040	Acupuncturist Advisory Committee		.25 MoReg 2392		
4 CSR 15-3.010	Acupuncturist Advisory Committee		.25 MoReg 2392		
4 CSR 15-3.020	Acupuncturist Advisory Committee		.25 MoReg 2395		
4 CSR 15-3.030	Acupuncturist Advisory Committee		.25 MoReg 2395		
4 CSR 15-4.010	Acupuncturist Advisory Committee		.25 MoReg 2396		
4 CSR 15-4.020	Acupuncturist Advisory Committee		.25 MoReg 2397		
4 CSR 15-5.010	Acupuncturist Advisory Committee		.25 MoReg 2397		
4 CSR 15-5.020	Acupuncturist Advisory Committee		.25 MoReg 2401		
4 CSR 30-6.015	Architects, Professional Engineers and Professional Land Surveyors		.26 MoReg 12		
4 CSR 30-6.020	Architects, Professional Engineers and Professional Land Surveyors		.26 MoReg 17		
4 CSR 40-1.021	Office of Athletics		.21 MoReg 2680		
4 CSR 40-5.070	Office of Athletics		.21 MoReg 1963		
4 CSR 60-1.025	State Board of Barber Examiners		.26 MoReg 20		
4 CSR 60-1.030	State Board of Barber Examiners		.26 MoReg 22		
4 CSR 60-4.015	State Board of Barber Examiners		.26 MoReg 24		
4 CSR 90-7.010	State Board of Cosmetology		.26 MoReg 322R		
			.26 MoReg 322		
4 CSR 90-11.010	State Board of Cosmetology		.26 MoReg 328		
4 CSR 90-13.010	State Board of Cosmetology		.26 MoReg 24		
4 CSR 100	Division of Credit Unions				.26 MoReg 291
					.26 MoReg 465
					This Issue
4 CSR 100-2.045	Division of Credit Unions		.25 MoReg 2877		
4 CSR 100-2.185	Division of Credit Unions		.26 MoReg 174		
4 CSR 100-2.220	Division of Credit Unions		.26 MoReg 174		
4 CSR 140-2.070	Division of Finance		.26 MoReg 328		
4 CSR 140-2.138	Division of Finance		.26 MoReg 328		
4 CSR 140-6.085	Division of Finance		.26 MoReg 329		
4 CSR 150-3.060	State Board of Registration for the Healing Arts		.25 MoReg 2515		.26 MoReg 346
4 CSR 150-3.080	State Board of Registration for the Healing Arts		.25 MoReg 2516		.26 MoReg 346
4 CSR 150-3.170	State Board of Registration for the Healing Arts		.25 MoReg 2518		.26 MoReg 346
4 CSR 150-4.060	State Board of Registration for the Healing Arts		.26 MoReg 330		
4 CSR 200-2.001	State Board of Nursing		.26 MoReg 27		
4 CSR 200-2.010	State Board of Nursing		.26 MoReg 28		
4 CSR 200-2.020	State Board of Nursing		.26 MoReg 29		
4 CSR 200-2.030	State Board of Nursing		.26 MoReg 30		
4 CSR 200-2.050	State Board of Nursing		.26 MoReg 30		
4 CSR 200-2.110	State Board of Nursing		.26 MoReg 30		
4 CSR 200-2.120	State Board of Nursing		.26 MoReg 30		
4 CSR 200-2.180	State Board of Nursing		.26 MoReg 31		
4 CSR 200-3.001	State Board of Nursing		.26 MoReg 31		
4 CSR 200-3.010	State Board of Nursing		.26 MoReg 33		
4 CSR 200-3.020	State Board of Nursing		.26 MoReg 34		
4 CSR 200-3.030	State Board of Nursing		.26 MoReg 34		
4 CSR 200-3.050	State Board of Nursing		.26 MoReg 34		
4 CSR 200-3.110	State Board of Nursing		.26 MoReg 34		
4 CSR 200-3.120	State Board of Nursing		.26 MoReg 35		
4 CSR 200-3.180	State Board of Nursing		.26 MoReg 35		
4 CSR 200-4.010	State Board of Nursing		.26 MoReg 112		.26 MoReg 175
4 CSR 210-2.060	State Board of Optometry				.22 MoReg 1443
4 CSR 220-2.018	State Board of Pharmacy				.25 MoReg 2789
4 CSR 220-2.030	State Board of Pharmacy				.25 MoReg 2789
4 CSR 220-2.080	State Board of Pharmacy				.25 MoReg 2790
4 CSR 220-2.090	State Board of Pharmacy				.25 MoReg 2791
4 CSR 220-2.300	State Board of Pharmacy				.25 MoReg 2791
4 CSR 220-2.900	State Board of Pharmacy				.25 MoReg 2792
4 CSR 220-5.020	State Board of Pharmacy				.25 MoReg 2795
4 CSR 220-5.030	State Board of Pharmacy				.25 MoReg 2795
4 CSR 232-1.040	Missouri State Committee of Interpreters				.26 MoReg 35
4 CSR 232-3.010	Missouri State Committee of Interpreters				.26 MoReg 39
4 CSR 240-32.130	Public Service Commission				.26 MoReg 330
4 CSR 240-32.140	Public Service Commission				.26 MoReg 331
4 CSR 240-32.150	Public Service Commission				.26 MoReg 331
4 CSR 240-32.160	Public Service Commission				.26 MoReg 331
4 CSR 240-32.170	Public Service Commission				.26 MoReg 332
4 CSR 240-40.020	Public Service Commission				.26 MoReg 181
4 CSR 240-40.030	Public Service Commission				.26 MoReg 181

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4 CSR 240-120.130	Public Service Commission		25 MoReg 2520This Issue	
4 CSR 240-120.135	Public Service Commission		25 MoReg 2520This Issue	
4 CSR 240-121.180	Public Service Commission		25 MoReg 2523	....This Issue	
4 CSR 240-121.185	Public Service Commission		25 MoReg 2523	....This Issue	
4 CSR 240-123.075	Public Service Commission		25 MoReg 2526	....This Issue	
4 CSR 255-2.020	Missouri Board for Respiratory Care		26 MoReg 493		
4 CSR 255-2.030	Missouri Board for Respiratory Care		26 MoReg 493		
4 CSR 255-2.050	Missouri Board for Respiratory Care		26 MoReg 494		
4 CSR 255-2.060	Missouri Board for Respiratory Care		26 MoReg 496R		
4 CSR 255-4.010	Missouri Board for Respiratory Care		26 MoReg 496		
4 CSR 265-10.030	Division of Motor Carrier and Railroad Safety	26 MoReg 112	....26 MoReg 203		
			26 MoReg 501R		
			26 MoReg 501		

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-261.010	Division of School Services	25 MoReg 2632			
5 CSR 30-345.011	Division of School Services	25 MoReg 2633			
5 CSR 50-350.040	Division of Instruction	25 MoReg 2636			
<i>(Changed from 5 CSR 60-120.060)</i>					
5 CSR 50-378.100	Division of Instruction	25 MoReg 2633			
5 CSR 60-120.060	Vocational and Adult Education	25 MoReg 2636			
<i>(Changed to 5 CSR 50-350.040)</i>					
5 CSR 60-120.080	Vocational and Adult Education	26 MoReg 209			
5 CSR 70-742.141	Special Education	N.A.	....26 MoReg 440		
5 CSR 90-4.120	Vocational Rehabilitation	26 MoReg 212			
5 CSR 90-5.400	Vocational Rehabilitation	26 MoReg 212			
5 CSR 90-5.440	Vocational Rehabilitation	26 MoReg 214			

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-2.030	Commissioner of Higher Education	25 MoReg 2796	....This Issue		
6 CSR 10-5.010	Commissioner of Higher Education	25 MoReg 2796R	....This IssueR		
		25 MoReg 2796	....This Issue		

DEPARTMENT OF TRANSPORTATION

7 CSR 10-10.010	Highways and Transportation Commission	26 MoReg 5	....26 MoReg 39		
7 CSR 10-10.030	Highways and Transportation Commission	26 MoReg 6	....26 MoReg 40		
7 CSR 10-10.040	Highways and Transportation Commission	26 MoReg 7	....26 MoReg 41		
7 CSR 10-10.050	Highways and Transportation Commission	26 MoReg 8	....26 MoReg 41		
7 CSR 10-10.060	Highways and Transportation Commission	26 MoReg 8	....26 MoReg 45		
7 CSR 10-10.070	Highways and Transportation Commission	26 MoReg 9	....26 MoReg 45		
7 CSR 10-10.080	Highways and Transportation Commission	26 MoReg 10	....26 MoReg 46		
7 CSR 10-10.090	Highways and Transportation Commission	26 MoReg 11	....26 MoReg 46		

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 5-1.010	Administration	25 MoReg 2103R			
8 CSR 10-4.080	Division of Employment Security	26 MoReg 333			
8 CSR 30-3.010	Division of Labor Standards	25 MoReg 2877			
8 CSR 60-3.040	Missouri Commission on Human Rights	26 MoReg 333			
8 CSR 70-1.010	MO Assistive Technology Advisory Council	26 MoReg 317	....26 MoReg 334		

DEPARTMENT OF MENTAL HEALTH

9 CSR 25-2.105	Fiscal Management	25 MoReg 2805			
9 CSR 25-2.305	Fiscal Management	25 MoReg 2806			
9 CSR 45-3.070	Division of Mental Retardation and Developmental Disabilities	26 MoReg 335			

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.030	Air Conservation Commission	25 MoReg 2292R	....26 MoReg 443R		
10 CSR 10-2.205	Air Conservation Commission	25 MoReg 2292	....26 MoReg 443		
10 CSR 10-2.210	Air Conservation Commission	26 MoReg 507			
10 CSR 10-2.215	Air Conservation Commission	25 MoReg 2298R			
10 CSR 10-2.260	Air Conservation Commission	25 MoReg 2408			
10 CSR 10-2.330	Air Conservation Commission	26 MoReg 47			
10 CSR 10-3.050	Air Conservation Commission	25 MoReg 2640			
10 CSR 10-4.030	Air Conservation Commission	25 MoReg 2298R	....26 MoReg 443R		
10 CSR 10-5.050	Air Conservation Commission	25 MoReg 2298R	....26 MoReg 443R		
10 CSR 10-5.375	Air Conservation Commission	25 MoReg 2299	....26 MoReg 444	....This Issue	
10 CSR 10-6.040	Air Conservation Commission	25 MoReg 2716			
10 CSR 10-6.120	Air Conservation Commission	25 MoReg 2303	....26 MoReg 447		
10 CSR 10-6.200	Air Conservation Commission	25 MoReg 2717			
10 CSR 10-6.400	Air Conservation Commission	26 MoReg 344			
10 CSR 20-6.011	Clean Water Commission	25 MoReg 2878			
10 CSR 20-6.060	Clean Water Commission	25 MoReg 2880			
10 CSR 20-14.010	Clean Water Commission	25 MoReg 2881			
10 CSR 20-14.020	Clean Water Commission	25 MoReg 2883			
10 CSR 20-14.030	Clean Water Commission	25 MoReg 2885			
10 CSR 25	Hazardous Waste Management Commission			25 MoReg 2597RUC

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10 CSR 25-1.010	Hazardous Waste Management Commission		26 MoReg 518		
10 CSR 25-3.260	Hazardous Waste Management Commission		26 MoReg 518		
10 CSR 25-4.261	Hazardous Waste Management Commission		26 MoReg 521		
10 CSR 25-5.262	Hazardous Waste Management Commission		26 MoReg 523		
10 CSR 25-7.264	Hazardous Waste Management Commission		26 MoReg 530		
10 CSR 25-7.265	Hazardous Waste Management Commission		26 MoReg 531		
10 CSR 25-7.266	Hazardous Waste Management Commission		26 MoReg 532		
10 CSR 25-7.268	Hazardous Waste Management Commission		26 MoReg 533		
10 CSR 25-7.270	Hazardous Waste Management Commission		26 MoReg 535		
10 CSR 25-8.124	Hazardous Waste Management Commission		26 MoReg 538		
10 CSR 25-9.020	Hazardous Waste Management Commission		26 MoReg 541		
10 CSR 25-10.010	Hazardous Waste Management Commission		26 MoReg 545		
10 CSR 25-11.279	Hazardous Waste Management Commission		26 MoReg 547		
10 CSR 25-12.010	Hazardous Waste Management Commission		26 MoReg 548		25 MoReg 2253
10 CSR 25-13.010	Hazardous Waste Management Commission		26 MoReg 554		
10 CSR 25-15.010	Hazardous Waste Management Commission		26 MoReg 559		
10 CSR 25-16.273	Hazardous Waste Management Commission		26 MoReg 560		
10 CSR 60-13.010	Public Drinking Water Program		26 MoReg 563		
10 CSR 60-13.020	Public Drinking Water Program		26 MoReg 569		
10 CSR 60-13.025	Public Drinking Water Program		26 MoReg 571		
10 CSR 60-14.010	Public Drinking Water Program	26 MoReg 387		25 MoReg 2886	
10 CSR 60-14.020	Public Drinking Water Program	26 MoReg 388		25 MoReg 2889	
10 CSR 60-14.030	Public Drinking Water Program			25 MoReg 2899	
10 CSR 90-2.010	Parks, Recreation and Historic Preservation			25 MoReg 2806R	
				25 MoReg 2806	
10 CSR 90-2.020	Parks, Recreation and Historic Preservation			25 MoReg 2810R	
				25 MoReg 2810	
10 CSR 90-2.030	Parks, Recreation and Historic Preservation			25 MoReg 2815R	
				25 MoReg 2815	
10 CSR 90-2.040	State Parks			25 MoReg 2820	
10 CSR 90-2.050	Parks, Recreation and Historic Preservation			25 MoReg 2821R	
				25 MoReg 2821	
10 CSR 90-2.060	Parks, Recreation and Historic Preservation			25 MoReg 2822R	
				25 MoReg 2822	
10 CSR 90-2.070	State Parks			25 MoReg 2824	
10 CSR 140-2	Division of Energy				24 MoReg 2243

DEPARTMENT OF PUBLIC SAFETY

11 CSR 10-1.020	Adjutant General	25 MoReg 2528	26 MoReg 447		
11 CSR 10-5.010	Adjutant General	25 MoReg 2528	26 MoReg 448	26 MoReg 598	
11 CSR 10-5.015	Adjutant General	25 MoReg 2531	26 MoReg 448		
11 CSR 45-4.380	Missouri Gaming Commission	25 MoReg 2713	25 MoReg 2717	This Issue	
11 CSR 45-4.390	Missouri Gaming Commission	25 MoReg 2713	25 MoReg 2718	This Issue	
11 CSR 45-5.065	Missouri Gaming Commission		26 MoReg 345		
11 CSR 45-10.110	Missouri Gaming Commission	25 MoReg 2714	25 MoReg 2718	This Issue	
11 CSR 45-17.015	Missouri Gaming Commission		25 MoReg 2719		
11 CSR 45-30.600	Missouri Gaming Commission		25 MoReg 2719		
11 CSR 45-31.005	Missouri Gaming Commission		25 MoReg 2722		
11 CSR 50-2.200	Missouri State Highway Patrol		25 MoReg 2531	26 MoReg 449	
11 CSR 50-2.270	Missouri State Highway Patrol		25 MoReg 2531	26 MoReg 449	
11 CSR 50-2.320	Missouri State Highway Patrol		25 MoReg 2532	26 MoReg 449	
11 CSR 50-2.330	Missouri State Highway Patrol		25 MoReg 2532	26 MoReg 449	
11 CSR 75-3.020	Peace Officer Standards and Training		25 MoReg 2827	This Issue	
11 CSR 75-3.030	Peace Officer Standards and Training		25 MoReg 2645	26 MoReg 449	

DEPARTMENT OF REVENUE

12 CSR	Construction Transient Employers			25 MoReg 2747	
				26 MoReg 600	
12 CSR 10-3.028	Director of Revenue	25 MoReg 2646R	26 MoReg 449R		
12 CSR 10-3.030	Director of Revenue	25 MoReg 2646R	26 MoReg 450R		
12 CSR 10-3.032	Director of Revenue	25 MoReg 2647R	26 MoReg 450R		
12 CSR 10-3.054	Director of Revenue	25 MoReg 2722R	26 MoReg 584R		
12 CSR 10-3.058	Director of Revenue	25 MoReg 2722R	26 MoReg 584R		
12 CSR 10-3.062	Director of Revenue	25 MoReg 2722R	26 MoReg 584R		
12 CSR 10-3.064	Director of Revenue	25 MoReg 2723R	26 MoReg 584R		
12 CSR 10-3.070	Director of Revenue	25 MoReg 2723R	26 MoReg 584R		
12 CSR 10-3.072	Director of Revenue	25 MoReg 2723R	26 MoReg 585R		
12 CSR 10-3.074	Director of Revenue	25 MoReg 2723R	26 MoReg 585R		
12 CSR 10-3.078	Director of Revenue	25 MoReg 2724R	26 MoReg 585R		
12 CSR 10-3.080	Director of Revenue	25 MoReg 2724R	26 MoReg 585R		
12 CSR 10-3.082	Director of Revenue	25 MoReg 2724R	26 MoReg 585R		
12 CSR 10-3.084	Director of Revenue	25 MoReg 2724R	26 MoReg 585R		
12 CSR 10-3.090	Director of Revenue	25 MoReg 2725R	26 MoReg 586R		
12 CSR 10-3.102	Director of Revenue	25 MoReg 2647R	26 MoReg 450R		
12 CSR 10-3.152	Director of Revenue	25 MoReg 2725R	26 MoReg 586R		
12 CSR 10-3.154	Director of Revenue	25 MoReg 2725R	26 MoReg 586R		
12 CSR 10-3.156	Director of Revenue	25 MoReg 2725R	26 MoReg 586R		
12 CSR 10-3.162	Director of Revenue	25 MoReg 2726R	26 MoReg 586R		
12 CSR 10-3.167	Director of Revenue	25 MoReg 2902R			
12 CSR 10-3.186	Director of Revenue	25 MoReg 2726R	26 MoReg 586R		
12 CSR 10-3.212	Director of Revenue	25 MoReg 2647R	26 MoReg 450R		
12 CSR 10-3.214	Director of Revenue	25 MoReg 2647R	26 MoReg 450R		

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12 CSR 10-3.216	Director of Revenue25 MoReg 2648R	.26 MoReg 450R	
12 CSR 10-3.218	Director of Revenue25 MoReg 2648R	.26 MoReg 450R	
12 CSR 10-3.220	Director of Revenue .....		.25 MoReg 2648R	.26 MoReg 451R	
12 CSR 10-3.460	Director of Revenue .....	.25 MoReg 144			
12 CSR 10-3.471	Director of Revenue .....		.25 MoReg 2726R	.26 MoReg 586R	
12 CSR 10-3.472	Director of Revenue .....		.25 MoReg 2648R	.26 MoReg 451R	
12 CSR 10-3.474	Director of Revenue .....		.25 MoReg 2649R	.26 MoReg 451R	
12 CSR 10-3.476	Director of Revenue .....		.25 MoReg 2649R	.26 MoReg 451R	
12 CSR 10-3.478	Director of Revenue .....		.25 MoReg 2649R	.26 MoReg 451R	
12 CSR 10-3.479	Director of Revenue .....		.25 MoReg 2649R	.26 MoReg 451R	
12 CSR 10-3.524	Director of Revenue .....		.25 MoReg 2902R		
12 CSR 10-3.588	Director of Revenue .....		.25 MoReg 2902R		
12 CSR 10-3.840	Director of Revenue .....		.25 MoReg 2726R	.26 MoReg 587R	
12 CSR 10-3.842	Director of Revenue .....		.25 MoReg 2650R	.26 MoReg 452R	
12 CSR 10-3.844	Director of Revenue .....		.25 MoReg 2650R	.26 MoReg 452R	
12 CSR 10-3.878	Director of Revenue .....		.25 MoReg 2650R	.26 MoReg 452R	
12 CSR 10-3.898	Director of Revenue .....		.25 MoReg 2650R	.26 MoReg 452R	
12 CSR 10-4.070	Director of Revenue .....		.25 MoReg 2650R	.26 MoReg 452R	
12 CSR 10-4.075	Director of Revenue .....		.25 MoReg 2651R	.26 MoReg 452R	
12 CSR 10-4.165	Director of Revenue .....		.25 MoReg 2902R		
12 CSR 10-4.632	Director of Revenue .....		.25 MoReg 2651R	.26 MoReg 452R	
12 CSR 10-4.634	Director of Revenue .....		.25 MoReg 2726R	.26 MoReg 587R	
12 CSR 10-5.010	Director of Revenue .....		.25 MoReg 2727R	.26 MoReg 587R	
12 CSR 10-24.402	Director of Revenue .....		.25 MoReg 2727	.26 MoReg 587	
12 CSR 10-25.030	Director of Revenue .....		.26 MoReg 345		
12 CSR 10-41.010	Director of Revenue .....	.25 MoReg 2787	.25 MoReg 2827	....This Issue	
12 CSR 10-101.600	Director of Revenue .....		.25 MoReg 2902		
12 CSR 10-103.220	Director of Revenue .....		.25 MoReg 2651	.26 MoReg 453	
12 CSR 10-103.250	Director of Revenue .....		.25 MoReg 2903		
12 CSR 10-103.370	Director of Revenue .....		.26 MoReg 581		
12 CSR 10-103.700	Director of Revenue .....		.25 MoReg 2422	.26 MoReg 453	
12 CSR 10-110.200	Director of Revenue .....		.25 MoReg 2423	.26 MoReg 453	
12 CSR 10-110.300	Director of Revenue .....		.26 MoReg 582		
12 CSR 30-3.075	State Tax Commission .....		.25 MoReg 2827		
12 CSR 40-20.030	State Lottery .....		.25 MoReg 2424	.26 MoReg 347	
12 CSR 40-40.230	State Lottery .....		.25 MoReg 2424	.26 MoReg 347	
12 CSR 40-40.250	State Lottery .....		.25 MoReg 2424	.26 MoReg 347	
12 CSR 40-60.010	State Lottery .....		.25 MoReg 2425	.26 MoReg 347	
12 CSR 40-60.030	State Lottery .....		.25 MoReg 2425	.26 MoReg 347	

DEPARTMENT OF SOCIAL SERVICES

13 CSR 15-4.010	Division of Aging .....		.25 MoReg 2425	.26 MoReg 453	
13 CSR 15-4.040	Division of Aging .....		.25 MoReg 2427	.26 MoReg 454	
13 CSR 15-4.050	Division of Aging .....		.26 MoReg 406		
13 CSR 15-4.080	Division of Aging .....		.25 MoReg 2428	.26 MoReg 454	
13 CSR 15-4.090	Division of Aging .....		.25 MoReg 2428	.26 MoReg 454	
13 CSR 15-4.100	Division of Aging .....		.25 MoReg 2428	.26 MoReg 454	
13 CSR 15-4.105	Division of Aging .....		.25 MoReg 2429	.26 MoReg 454	
13 CSR 15-4.135	Division of Aging .....		.25 MoReg 2430	.26 MoReg 455	
13 CSR 15-4.140	Division of Aging .....		.25 MoReg 2430	.26 MoReg 455	
13 CSR 15-4.150	Division of Aging .....		.25 MoReg 2430	.26 MoReg 455	
13 CSR 15-4.160	Division of Aging .....		.25 MoReg 2431	.26 MoReg 455	
13 CSR 15-4.170	Division of Aging .....		.25 MoReg 2431	.26 MoReg 455	
13 CSR 15-4.175	Division of Aging .....		.25 MoReg 2432	.26 MoReg 456	
13 CSR 15-4.190	Division of Aging .....		.25 MoReg 2432	.26 MoReg 456	
13 CSR 15-4.200	Division of Aging .....		.25 MoReg 2432	.26 MoReg 456	
13 CSR 15-4.230	Division of Aging .....		.25 MoReg 2433	.26 MoReg 456	
13 CSR 15-4.270	Division of Aging .....		.25 MoReg 2434	.26 MoReg 456	
13 CSR 15-4.290	Division of Aging .....		.25 MoReg 2434	.26 MoReg 457	
13 CSR 15-4.300	Division of Aging .....		.25 MoReg 2434	.26 MoReg 457	
13 CSR 15-4.310	Division of Aging .....		.25 MoReg 2435	.26 MoReg 457	
13 CSR 15-7.010	Division of Aging .....		.25 MoReg 2435	.26 MoReg 457	
13 CSR 15-7.040	Division of Aging .....		.25 MoReg 2436	.26 MoReg 457	
13 CSR 15-7.050	Division of Aging .....		.25 MoReg 2438	.26 MoReg 458	
13 CSR 15-9.010	Division of Aging .....		.26 MoReg 53		
13 CSR 15-15.045	Division of Aging .....	.26 MoReg 118	.26 MoReg 214		
13 CSR 30-5.010	Child Support Enforcement .....		.25 MoReg 2904R		
13 CSR 40-31.050	Division of Family Services .....	.26 MoReg 126R	.26 MoReg 226R		
13 CSR 40-32.020	Division of Family Services .....	.26 MoReg 126	.26 MoReg 226		
13 CSR 45-2.010	Division of Legal Services .....	.26 MoReg 129	.26 MoReg 228		
13 CSR 70-3.020	Medical Services .....		.25 MoReg 2441		
13 CSR 70-10.015	Medical Services .....		.25 MoReg 2728	....This Issue	
13 CSR 70-10.030	Medical Services .....		.25 MoReg 2532		
13 CSR 70-10.150	Medical Services .....		.26 MoReg 246		
13 CSR 70-20.045	Medical Services .....		.25 MoReg 2869	.25 MoReg 2904	
13 CSR 70-20.050	Medical Services .....		.25 MoReg 2871	.25 MoReg 1978	.26 MoReg 70
13 CSR 70-20.070	Medical Services .....			.26 MoReg 246	
13 CSR 70-91.010	Medical Services .....			.26 MoReg 246	
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators25 MoReg 2828	

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ELECTED OFFICIALS					
15 CSR 30-4.010	Secretary of State	25 MoReg 2509	25 MoReg 2535	26 MoReg 587	
15 CSR 30-45.040	Secretary of State	26 MoReg 147	25 MoReg 2728	26 MoReg 587	
15 CSR 60-10.010	Attorney General	25 MoReg 2285	25 MoReg 2312	26 MoReg 458	26 MoReg 598
15 CSR 60-10.020	Attorney General	25 MoReg 2285	25 MoReg 2312	26 MoReg 458	
15 CSR 60-10.030	Attorney General	25 MoReg 2287	25 MoReg 2313	26 MoReg 458	
15 CSR 60-13.010	Attorney General		25 MoReg 2538	26 MoReg 347	
15 CSR 60-13.020	Attorney General		25 MoReg 2538	26 MoReg 348	
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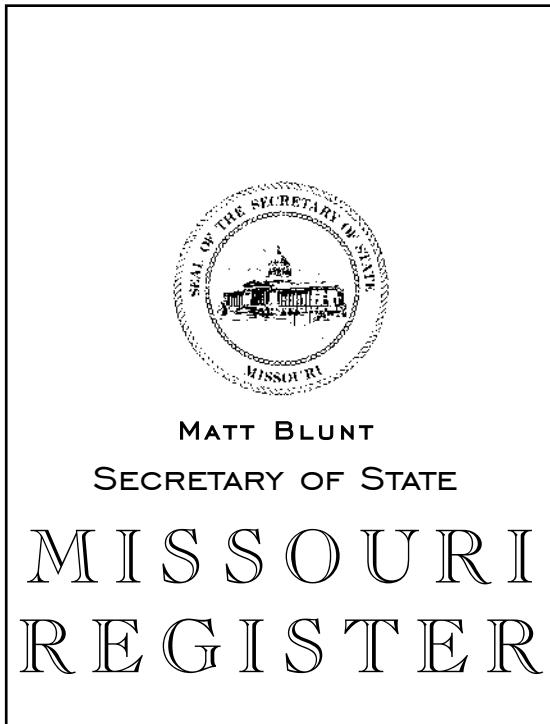
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